

## MEMORANDUM

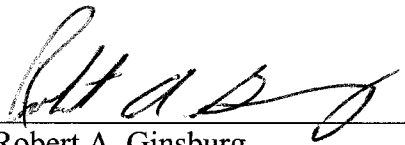
Agenda Item No. 7(R)(2)(A)

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<b>TO:</b>	Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners	<b>DATE:</b>	September 21, 2004
<b>FROM:</b>	Robert A. Ginsburg County Attorney	<b>SUBJECT:</b>	Resolution directing County Manager to amend the Miami- Dade Water and Sewer Dept.'s Rules and Regulations

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The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.

  
\_\_\_\_\_  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** September 21, 2004

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(R)(2)(A)

Please note any items checked.

- \_\_\_\_\_ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- \_\_\_\_\_ 6 weeks required between first reading and public hearing
- \_\_\_\_\_ 4 weeks notification to municipal officials required prior to public hearing
- \_\_\_\_\_ Decreases revenues or increases expenditures without balancing budget
- \_\_\_\_\_ Budget required
- \_\_\_\_\_ Statement of fiscal impact required
- \_\_\_\_\_ Bid waiver requiring County Manager's written recommendation
- \_\_\_\_\_ Ordinance creating a new board requires detailed County Manager's report for public hearing
- \_\_\_\_\_ Housekeeping item (no policy decision required)
- \_\_\_\_\_ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(R)(2)(A)  
9-21-04

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING COUNTY MANAGER TO  
AMEND THE MIAMI-DADE WATER AND SEWER  
DEPARTMENT'S RULES AND REGULATIONS FOR WATER  
AND SEWER SERVICE TO PROVIDE A ONE TIME  
LIFETIME ADJUSTMENT WHEN THE CONSUMPTION  
RATE EXCEEDS BY SIX (6) TIMES THE AVERAGE  
QUARTERLY CONSUMPTION BASED ON THE PAST  
YEAR'S CONSUMPTION

**WHEREAS**, concealed leaks that do not reach the sewer system have been determined by the Miami-Dade Water and Sewer Department not to be the delivery of sewer services and that it is fair and equitable to charge customers only 50% of the related water charges and remain in compliance with Ordinance Number 93-134; and

**WHEREAS**, concealed leaks, potentially costing thousands of dollars, can be considered as extraordinary events beyond the control of the customers; and

**WHEREAS**, Sections 2.10(1)(e) and 3.10(1)(a) of the Miami-Dade Water and Sewer Department's Rules and Regulations for Water and Sewer Service provide the basis for adjusting the water and sewer billings for customers billed on a quarterly basis as a result of concealed leaks; and

**WHEREAS**, under the current billing system, customers billed quarterly may only learn of a concealed leak upon receipt of their quarterly bill; and

**WHEREAS**, Section 2.10(1)(e) and 3.10(1)(a) of the Miami-Dade Water and Sewer Department's Rules and Regulations for Water and Sewer Service provides for a 50% credit towards the quarterly customers' water bill and 100% credit towards the sewer bill in certain circumstances; and

**WHEREAS**, this Board desires to establish a one time, lifetime adjustment per quarterly account to provide credits for extraordinary billings and limit the customers' liability for such billings,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. The Miami-Dade Water and Sewer Department shall provide a one-time lifetime adjustment to its quarterly customers in the event of a concealed or hidden leak that results in a bill that exceeds by six (6) times the past year's average quarterly consumption. In order to qualify for the adjustment, the Customer shall be required to make the necessary repairs and submit to the Department the information specified in Section 2.10(1)(e) of the Department's Rules and Regulations. A corrected bill shall be issued which shall be based either on the previous year's average consumption or on the rate of consumption after the repair has been made.

Section 2. The County Manager is hereby directed to amend the Miami-Dade Water and Sewer Department's Rules and Regulations for Water and Sewer Service to implement this Resolution.

Section 3. The provisions of this Resolution shall be effective for billings rendered as of March 1, 2004.

The foregoing resolution was sponsored by Senator Javier D. Souto and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Dr. Barbara Carey-Shuler, Chairperson  
Katy Sorenson, Vice-Chairperson

Bruno A. Barreiro  
Betty T. Ferguson  
Joe A. Martinez  
Dennis C. Moss  
Natacha Seijas  
Sen. Javier D. Souto

Jose "Pepe" Diaz  
Sally A. Heyman  
Jimmy L. Morales  
Dorin D. Rolle  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of September, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

*HNG/RPG*

Henry N. Gillman

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